

AMENDMENTS TO THE DRAWINGS

Figure 1 is amended to include reference text corresponding to each box element shown in the drawing.

Attachment: One (1) Annotated Sheet

REMARKS

This amendment, filed in reply to the Office Action dated July 17, 2007, is believed to be fully responsive to each point of the rejection raised therein. Accordingly, favorable reconsideration and allowance of the subject application are respectfully requested.

By this Amendment, Applicant has canceled claims 5 and 9 and added new claims 25-34. Thus, claims 1-4, 6-8 and 10-34 are now pending in the application. No new matter is added.

Allowable Subject matter

Applicant thanks the Examiner for indicating that claims 15 and 17-19 contain allowable subject matter.

Drawings

Figure 1 is objected to because the Examiner indicates that the figure should be labeled "Prior Art" and the "unlabeled boxes shown in figure 1 should be provided with descriptive text labels." Figure 1 is hereby amended to include corresponding text for each box and is now labeled "prior art." Applicant respectfully requests the withdrawal of this objection.

Specification

The disclosure is objected to because of the informalities. The Examiner indicates that the specification does not have heading separating the sections. The specification is amended to include appropriate heading for the different sections of the specification. Thus, Applicant respectfully requests the withdrawal of this objection.

Rejection under 35 U.S.C. § 112

Claims 20-24 are rejected under 35 U.S.C. § 112, first paragraph, as being single means claims, the network element being the single means. The claims are amended to overcome this rejection. Applicant respectfully requests the withdrawal of this rejection.

Claim 11-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The claims are amended to overcome the rejection. Applicant respectfully requests the withdrawal of this rejection.

Prior Art Rejections

Claim 1-6, 10-14, 16, 20-22, and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kekki (U.S. Pub. No. 2003/0161325, hereinafter "Kekki"). Claim 7-9 and 23 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kekki in view of Verma et al. (U.S. Pub. No. 2005/0210154; hereinafter "Verma"). Applicant respectfully traverses the rejections.

Claim 1 relates to managing the quality of service linked to transport. More particularly to a mechanism enabling a network element to determine the quality of service constraints necessary for implementing quality of service management.

Claim 1 recites in part:

a second network element uses said at least one parameter for transport quality of service management for uplink transmission over an Iub interface between a controlling radio network controller and a Node B, or for uplink

transmission over an Iur interface between a serving radio network controller and a drift radio network controller and downlink transmission over an Iub interface between a drift radio network controller and a Node B.¹

Applicant respectfully submits that Kekki does not teach or suggest this feature of amendment claim 1.

Kekki teaches to a transportation of information between nodes. Allowed transportation delays are defined for the first transport entities. Kekki teaches assigning an indicator for a transport entity to be transported from a first node to the a second node based on information of a transport class. Kekki teaches inserting information in the transport entity received at the second node into the transport entity of the second transport entity based on the indicator. See Kekki, paragraph [0012]-[0014].

Kekki, however, pertains to management in only the downlink direction. See Kekki, paragraph [0027-0031], [0038]. Kekki teaches that “if a downlink data frame arrives outside a determined arrival window to the base station, the base station may report a measured time of arrival ToA and the indicated CFN” in an uplink control frame. This reporting is not tantamount managing the uplink transmission. Here, the information is not used to manage the transportation in the uplink. Rather, it is used for possible timing adjustment or synchronization of the data stream transmitted in the downlink.

In addition, Verma does not remedy the deficient teachings of Kekki.

Therefore, Applicant respectfully submits that claim 1 is allowable over the cited references and requests the withdrawal of this rejection.

¹ Claim 1 has been amended to incorporate the features of claims 5 and 9.

Independent claims 20, 23, 27 and 31 recite similar limitations as in claim 1 not taught by Kekki or Verma. Applicant submits that these claims are patentable for analogous reasons as discussed pertaining to claim 1 above.

The remaining dependent claims are patentable at least by virtue of their dependencies.

In addition, Applicant notes that Verma has an effective filing date of May 30, 2003 (based on PCT application PCT/US03/17096). However, Applicant's foreign priority date of January 31, 2003 based on foreign application French Appln. No. 0301103 precedes the effective filing date of Verma. Therefore, Applicant is obtaining a verified English translation of French Appln. No. 0301103 to be submitted in the near future.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/766,843

Attorney Docket No.: Q79623

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Christopher R. Lipp/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Christopher R. Lipp
Registration No. 41,157

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 17, 2008